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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/528,934

03/23/2005

Declan Kelly

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PHILIPS INTELLECTUAL PROPERTY & STANDARDS

P.O. BOX 3001

BRIARCLIFF MANOR, NY 10510

EXAMINER

DUNN, MISHAWN N

ART UNIT

PAPER NUMBER

2621

MAIL DATE

DELIVERY MODE

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/528,934	<b>Applicant(s)</b> KELLY ET AL.	
	<b>Examiner</b> MISHAWN DUNN	<b>Art Unit</b> 2621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 23 March 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 March 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>12/05</u>   | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 101***

1. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claim 10 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claim 10 defines a record carrier embodying functional descriptive material. However the claim does not define a computer-readable medium and is thus non-statutory (see MPEP 2106.01).

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-10 are rejected under 35 U.S.C. 102(b) as being anticipated by Yamauchi et al. (EP Pat. No. 0831647).
4. Consider claim 1. Yamauchi et al. teaches apparatus for recording a main file comprising a main information signal and auxiliary files comprising auxiliary information signals in a track on a record carrier, so as to enable simultaneous presentation of the

Art Unit: 2621

main information signal and at least one of the auxiliary information signals, said track comprising a series of locations, said apparatus comprises: first receiving means for receiving said main file; second receiving means for receiving said auxiliary files; first processing means for subdividing the main file into a sequence of main blocks, each block comprising a part of the main information signal having a specific presentation time; second processing means for subdivide each auxiliary file into a sequence of auxiliary blocks, each block comprising a part of an auxiliary information signal having a specific presentation time; writing means for writing in said track of the record carrier in a first location a block of an auxiliary file comprising a part of an auxiliary information signal having a specific presentation time, in a second location a subsequent block of the corresponding auxiliary file and in at least one location between the first and second location at least one block of the main file comprising a part of the main information signal having a presentation time which corresponds to the presentation time of the auxiliary information signal to be written in the first location (col. 9, line 45 - col. 11, line 30; col. 16, line 18 - col. 19, line 46; figs. 3, 4A-B, 13A-B, 14, and 15).

5. Consider claim 2. Yamauchi et al. teaches apparatus as claimed in claim 1, characterized in that a first number of auxiliary files comprises a similar type of signals, the second processing means being adapted to subdivide the first number of auxiliary signals into sequences of auxiliary blocks comprising parts of the respective auxiliary information signals having similar specific presentation times, and the writing means are adapted to write in contiguous locations the blocks of the first number of auxiliary

signals comprising the parts of the auxiliary signals having the similar specific presentation time.

6. Consider claim 3. Yamauchi et al. teaches apparatus as claims in claim 1 or 2, characterized in that the main information signal is a video signal (col. 9, lines 51-56; col. 10, lines 30-36).

7. Consider claim 4. Yamauchi et al. teaches apparatus as claimed in claim 1 or 2, characterized in that at least one of the auxiliary information signals is an audio signal (col. 9, lines 51-56; col. 10, lines 37-42).

8. Consider claim 5. Yamauchi et al. teaches apparatus as claimed in claim 1 or 2, characterized in that at least one of the auxiliary information signals is a subtitle signal (col.9, lines 51-56; col. 10, lines 43-48).

9. Consider claim 6. Yamauchi et al. teaches apparatus as claimed in claim 1 or 2, characterized in that at least one of the auxiliary information signals is a PIP signal (col. 11, lines 1-20).

10. Consider claim 7. Yamauchi et al. teaches apparatus as claimed in claim 1 or 2, characterized in that at least one of the auxiliary signals is a graphics signal (fig. 9).

11. Consider claim 9. Yamauchi et al. teaches method as claimed in claim 8, characterized in that a first number of auxiliary files comprises a similar type of signals, the method further comprises the steps of: subdivide the first number of auxiliary signals into sequences of auxiliary blocks comprising parts of the respective auxiliary information signals having similar specific presentation times, writing in contiguous locations the blocks of the first number of auxiliary signals comprising the parts of the

Art Unit: 2621

auxiliary signals having the similar specific presentation time (col. 16, line 18 - col. 19, line 46).

12. Claims 8 and 10 are rejected using similar reasoning as the corresponding claim above.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MISHAWN DUNN whose telephone number is (571)272-7635. The examiner can normally be reached on Monday - Friday 7:30 aM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thai Tran can be reached on (571)272-7382. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2621

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/MISHAWN DUNN/  
Examiner, Art Unit 2621  
May 9, 2008

/Thai Tran/  
Supervisory Patent Examiner, Art Unit 2621